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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,699	04/19/1999	YASUSHI TANAKA	450108-4542	2687
20999	7590	06/17/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SALCE, JASON P	
			ART UNIT	PAPER NUMBER

2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/284,699

**Applicant(s)**

TANAKA, YASUSHI

**Examiner**

Jason P. Salce

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 3/21/2005 was filed after the mailing date of the Non-Final Office Action on 12/29/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-11 and 14-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 and 14-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schein et al. (U.S. Patent No. 6,002,394).

Referring to claim 1, Schein discloses an information transmitting method for transmitting program guide information (see Column 7, Lines 36-45) and processing

commercial information which corresponds to said program guide information and which is automatically displayed for a single program column and is transmitted together with said program guide information (see Column 7, Lines 35-45 for transmitting commands in the VBI, which are used to create an EPG, and also note Column 8, Lines 3-7 for also transmitting commands which contain URL information which allows a user to access a linked internet site from the EPG).

Schein also discloses that said commercial information is transmitted in accordance with address information comprising said commercial information and associated detailed information when a cursor is moved onto a program column of said program guide screen (see again Column 8, Lines 3-7 for accessing a web site directly from the EPG and also note Column 20, Lines 14-17 and Lines 29-56 for a specific example). Also note Figures 20A-20C and Column 23, Lines 36-65 for additional examples.

Schein also discloses selectively picking program content data from a plurality of program content regions to create said program guide screen (see Column 10, Lines 40-59 for the user keeping a favorite channel list, selectable by the user and Figure 20A for the user being able to select his/her favorite channels from a program guide screen and Figure 21B for adding channel to the favorite list).

Schein also discloses combining the selectively picked program content data from said plurality of program content regions with transmitted screen layout data and previously stored standard screen layout data to create said program guide screen (see

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Column 7, Lines 16-38 and Column 9, Lines 1-5 and 56-61 and Column 12, Lines 5-10 and 47-60).

Schein also discloses that the program content data includes three types of data, modifiable broadcast data (see modifiable favorite channel database at Column 10, Lines 40-59), fixed broadcast data (see Figure 7B) and comparatively large-sized broadcast data (see Figure 5).

Schein also discloses that the selectively picked program content data are categorized in at least two types of data with different structures and formats (see Column 10, Lines 40-67, where programs can be selected not only by favorite channel listings (see Figure 19A) but also setting reminders for the programs or restricting access to programs, therefore categorizing the content data in at least two types of data with different structures and formats).

Referring to claim 2, Schein discloses that the commercial information contains image data (Column 11, Lines 56-57).

Referring to claim 3, Schein discloses that a digital signal can have separate bitstreams that contain video, audio, and program guide information (Column 6, Lines 51-60), and that data related to a television program guide title is related to an advertisement (Column 26, see Claim 14).

Referring to claim 4, Schein discloses that commercial information can be accessed on a remote computer via the Internet (Column 20, Lines 4-9), and that a computer on a computer network (Internet) can be given an IP address (Column 18, Lines 20-43).

Referring to claim 5, Schein discloses hierarchical levels for program schedule data (Column 9, Lines 20-67 and Column 10, Lines 1-28) for a program guide, which contains advertisements (Column 22, 10-18). Schein shows that a first hierarchical level (Channel Data Table) is smaller by holding only the channel required for viewing at a specific subscriber's receiver, while the second hierarchical level (show list) contains start times and additional scheduling data for 24 hours worth of program for every channel listed in the Channel Data Table (Column 9, Lines 20-62 and Figures 5 and 6). It is inherent that the Channel Data Table is smaller than the Show List Table because of the large amount of data storage that would be required to hold 24 hours or weeks worth of show times for each program contained in the Channel Data Table.

Referring to claim 6, Schein discloses a receiver for separating program guide information from a received broadcasting signal (Column 12, Lines 41-44).

Schein also discloses a processor (see Figure 3) for displaying commercial information in a part of a display area (see Figure 21A and Column 24, Lines 1-20), and an electronic program guide screen including program columns corresponding to a plurality of programs based on the separated program guide information (see Figure 21A).

Schein also discloses that the processor (Figure 3) processes commercial information which corresponds to said program guide information and which is automatically displayed for a single program column and is transmitted together with said program guide information (see Column 7, Lines 35-45 for transmitting commands in the VBI, which are used to create an EPG, and also note Column 8, Lines 3-7 for also

transmitting commands which contain URL information which allows a user to access a linked internet site from the EPG).

**See rejection of claim 1 for the additional added limitations.**

Referring to claim 7, Schein discloses specifying commercial information displayed on part of said program guide screen (see Figure 21A).

Schein also discloses communicating with an external computer through a computer network (Column 20, Lines 4-9).

Schein also discloses displaying further detailed information from an external computer based on address information to display the information when a cursor is moved onto one of the program columns (Figures 21B and 21C and Column 18, Lines 20-43 and Column 19, Lines 51-63).

Referring to claim 8, Schein discloses selecting a program column on a program guide, and displaying program details corresponding to the program column selected and to sequentially display plural items of commercial information included in the program in a part of the display area (see Figures 21A, 21B, and 21C and Column 24, Lines 1-19).

Referring to claim 9, Schein discloses displaying a commercial details screen (see top left window explaining NFL cap in Figure 21C).

Referring to claim 10, see rejection of claim 9.

Referring to claim 11, Schein discloses sponsors for presenting commercial information (Column 22, Lines 10-18).

Referring to claim 14, see rejection of claim 2.

Referring to claim 15, see rejection of claim 3.

Referring to claim 16, see rejection of claim 6.

Referring to claims 17-21, see rejections of claims 8-12, respectively.

Referring to claim 22, see rejection of claims 1 and 16.

Referring to claims 23-24, see rejection of claims 20-21, respectively.

Referring to claims 25-26, see rejection of claims 25-26, respectively.

Referring to claim 27, see rejection of claim 6.

Referring to claims 28-30, see rejection of claim 27.

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce  
Patent Examiner  
Art Unit 2614

June 8, 2005

  
**JOHN MILLER**  
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